

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE- II,
MAVELIKARA**

Present: Sri. Anandhu.J.B, Judicial First Class Magistrate-II.

Dated this the 24th day of December, 2024

CMP No.6827/2024 in CC.438/2024

Petitioner/ accused : A2.Sheeja, aged 54/24, W/o Nasarudeen,
Nasar bhavanam, Mekum muri,
Thamarakulam village.
(By Adv.R.Padmakumar)

Counter Petitioner : State represented by the S.I of Police,
Nooranad in Cr.992/2024.
(By A.P.P., JFCM Court-II, Mavelikara)

Section of law : U/s. 228 of BNSS.

This petition coming on this day for consideration, the court passed the following:-

ORDER

1. Petition filed by the accused no.2 in the above case u/s 228 of BNSS. Accused is charged with offences punishable u/ss.329(3) and 324(4) of BNS.

2. The case of the petitioner is that she is suffering from '*Masthishkajwaram*' and under treatment. She stated that it cause infection. Hence the petitioner could not attend the court on the posting days of this case. She further states that she will not dispute her identity before the Court and she is ready to appear before the court as and when called for and she is to be permitted to be represented by his counsel. Therefore, he seeks exemption from personal appearance before the court.

3. Copy Served to the APP. No objection seen filed.

4. Heard the counsel for the petitioner and perused the records.

5. The allegations levelled against the petitioner are u/ss. 329(3) and 324(4) of BNS. This case is of the year 2024. The accused surrendered before the court, granted bail and charge

was framed to her. The prosecution evidence has not commenced. There are six witnesses are to be examined for the completion of the trial. Hence, the trial of the case could not be completed in the near future. From the affidavit, it is satisfied that if the petitioner is not exempted, it will cause great prejudice to her. The petitioner also undertakes that she will not dispute her identity in trial. Hence, I am of the view that this petition can be allowed.

In the result, petition is allowed as follows:-

1. The petitioner is exempted from personal appearance for a period of one year.
2. The petitioner shall file an affidavit stating that she will not take a plea that the evidence is recorded in her absence.
3. The petitioner shall file an affidavit stating that she will not dispute her identity even when the evidence is recorded in her absence.
4. The petitioner shall be represented by her counsel during the trial in her absence.
5. The petitioner shall appear before the court as and when directed.

(Dictated to the Confidential Assistant, data entered by her, corrected and pronounced by me in open court on this the 24th day of December, 2024)

Judicial First Class Magistrate-II,
Mavelikara.